

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Richard M. Zelma,

Plaintiff,

v.

Michael Peter Halperin, Individually,
as owner, manager, founder, and director of
HFA Holdings LLP, d/b/a, IP Horizon Inc.,

and

Michael Peter Halperin, d/b/a HFA Holdings
LLP, a/k/a, d/b/a IP Horizon Inc., SkyeTel,
Call 48, MHLHTH Holdings LLC, and all
Halperin's currently unknown shell
companies,

and

DOE Telemarketers (1-20), ABC
Corporations' (1-20), Resellers, Call-
Centers, working with, benefiting from,
participating in, affiliated or doing
business with the named Defendants;
each acting individually, in concert or as
a group,

Defendants.

Case No. _____

NOTICE OF REMOVAL

Defendants Michael Peter Halperin ("Halperin"), HFA Holdings LLC,¹ IP Horizon LLC,²
Skye Telecom LLC d/b/a SkyeTel,³ HFA Services LLC d/b/a Call 48,⁴ and MHLHTH Holdings

¹ "HFA Holdings LLC," not "HFA Holdings LLP," is its proper legal name. *See* sunbiz.org, <https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=HFAHOLDINGS%20L190001341750&aggregateId=flal-119000134175-9a9d09c3-7cc6-4403-9843->

LLC (“Defendants”), by counsel, hereby remove the above-captioned action, Case Number BER-L-005354-23, currently pending in the Superior Court of New Jersey, Bergen County Law Division, to the United States District Court for the District of New Jersey. Removal is based upon 28 U.S.C. §§ 1331, 1441, and 1446. As grounds for removal, Defendants state the following:

1. Plaintiff Richard M. Zelma (“Plaintiff”) commenced this action, solely as a DOE case, on or about October 4, 2023, by filing a Complaint with the Superior Court of New Jersey, Bergen County Law Division (“State Court Action”). The State Court Action was assigned Case Number BER L-005354-23.

2. Plaintiff filed an Amended Complaint (“Complaint”) on or about January 22, 2024, in which he asserted claims against the removing Defendants for the first time.

3. The Complaint alleges violations of the Telemarketing Sales Rule, 16 C.F.R. § 310 (“TSR”) in Count One, the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”) in Counts Two and Three, and the Communications Act, 47 U.S.C. § 151, *et seq.*, in Count Four. Accordingly, removal is warranted because this Court has federal-question jurisdiction over this

d88213342627&searchTerm=HFA%20Holdings&listNameOrder=HFAHOLDINGS%20L190001341750 (last visited Feb. 20, 2024).

² “IP Horizon LLC,” not “IP Horizon Inc.,” is its proper legal name. *See* sunbiz.org, <https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=IPHORIZON%20L180000258120&aggregateId=flal-118000025812-05d5b9a5-774e-471f-99fe-c59eac73a356&searchTerm=IP%20Horizon&listNameOrder=IPHORIZON%20L180000258120> (last visited Feb. 20, 2024).

³ “SkyeTel” is a d/b/a of Skye Telecom LLC. *See* FCC Form 499 Filer Database, <https://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=831772> (last visited Feb. 20, 2024).

⁴ “Call48” is a d/b/a of HFA Services LLC. *See* sunbiz.org, <https://dos.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G19000119854&rdocnum=G19000116369> (last visited Feb. 20, 2024).

action pursuant to 28 U.S.C. § 1331 in light of Plaintiff's assertion of claims arising under federal law.

4. Removal to this Court is proper. Pursuant to 28 U.S.C. §§ 1441 and 1446, this Notice of Removal is being filed in this Court, which is the federal district court embracing the state court where the State Court Action was filed.

5. Removal is timely. Defendant Halperin received the Amended Complaint on January 26, 2024, which was the first time any of the removing Defendants became aware of Plaintiff's claims against them. This Notice of Removal is being filed within thirty (30) days after receipt by Defendants of the State Court Action Amended Complaint. *See* 28 U.S.C. § 1446(b).

6. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. *See* 28 U.S.C. § 1446(a).

7. All other procedural requirements have been met.

a. Attached hereto as **Exhibit A** is a copy of the Notice of Filing of Notice of Removal that Defendants will file with the Civil Clerk of the Superior Court of New Jersey for Bergen County, which will be served upon Plaintiff.

b. Legible copies of each paper docketed in the State Court Action have been filed hereto as **Exhibit B** per the United States District Court for the District of New Jersey's Civil Case Opening instructions.

WHEREFORE, this action should proceed in the United States District Court for the District of New Jersey, as an action properly removed thereto.

Dated: February 23, 2024

Respectfully submitted,

By Counsel

/s/ Bob Kasolas

Bob Kasolas, Esq.

Mark E. Critchley, Esq.

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 2024, I caused a copy of the foregoing document to be served upon Plaintiff, via first class mail, postage prepaid, and email, as follows:

Richard Zelma
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TCPALAW@optimum.net

Plaintiff Pro Se

/s/ Bob Kasolas
Bob Kasolas, Esq.